
REMARKS

In the Office Action of March 13, 2003, the Examiner imposed a restriction requirement and, in response to an election without traverse of Group II, Species (B), Subspecies (b), claims 4, 5, 7, 9, 10, 14, 15 and 17, withdrew from further consideration claims 1-3, 6, 8, 10-13, and 16 as being drawn to a non-elected invention. The Examiner objected to the specification for informalities and to the drawings for failing to show every feature of the invention specified in the claims and other informalities. Finally, the Examiner rejected elected claims 4, 5, 7, 9, 14, 15 and 17 under 35 U.S.C. § 102(b) as being anticipated by US Patent 4,284,077 ("Wagner").

In this response, the election is confirmed. The informalities in the specification and drawings have been addressed, including by providing replacement drawing sheets. Claims 1-17 have been canceled, and new claims 18-28 are submitted. Applicant respectfully submits that all of the objections and rejections have been addressed, and the application now stands in condition for allowance.

Response To Restriction Requirement

Prior to the Office Action of March 13, 2003, the Examiner called the undersigned to inform him that the pending claims would be subject to a restriction requirement and that a single species must be elected for examination. The undersigned made an election so prosecution could be continued.

In the Office Action of March 13, 2003, the Examiner formally made the restriction requirement and noted Applicant elected without traverse Group II, Species (B) [i.e., Figure 3], Subspecies (b) [i.e., Figures 5 and 6], claims 4-10, and 14-17. He withdrew from further consideration claims 1-3, 6, 8, 10-13 and 16.

In response, Applicants confirms the earlier election identified as Group II, Species (B), Subspecies (b), claims 4, 5, 7, 9, 14, 15 and 17, but also notes that claims 1-17 have been canceled.

Objections To The Specification

In the Office Action, the Examiner objected to the abstract of the disclosure because the suction chamber is designated with reference number "6," while the specification and drawings use reference number "6" to designate the chamber wall. Applicant has amended the abstract to conform with the specification and the drawings. Therefore, Applicant respectfully submits this objection has been addressed.

The Examiner also objected to the disclosure because in the preliminary amendment, "the first part of the Detailed Description on the bottom of Page 2, leading to Page 3, appears to be missing." Applicant notes that the missing text of the first sentence of the first paragraph after the heading "DETAILED DESCRIPTION" was provided in the "MARKED-UP VERSION SHOWING CHANGES" section of the preliminary amendment, specifically page 19 of the preliminary amendment. In the current amendment, Applicant resubmits this previously submitted paragraph for replacement of the paragraph in question. By replacing the paragraph in question with the previously submitted paragraph, Applicant has not entered any new matter.

Objection To Drawings

In the Office Action of March 13, 2003, the Examiner objected to the drawings for failing to show every feature of the invention specified in the claims, specifically the receptacle, rim and opening. The Examiner also objected to the drawings because reference characters "9" and "18" both point to the same structure in Figures 5 and 6. The three attached sheets of drawings: (1) include Figures 5, 6 and 7; (2) replace the original sheets containing Figures 5, 6 and 7; and (3) show the proposed changes, which are indicated by being enclosed within clouds.

Figures 5, 6 and 7 have been changed so reference characters "9" and "18" now have separate leaders that point to the passage and cut-off valve, respectively. Figures 5 and 6 have been changed to include reference character "2," which is recited in the specification as pertaining to the product reservoir and clearly indicated in Figures 1, 7 and 8 as filed. The words receptacle, rim and opening are no longer recited within the claims, though these features were clearly apparent in the figures as filed.

Claim Rejections – 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 4, 5, 7, 9, 14, 15 and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 4,284,077 to Wagner ("Wagner").

By the above amendments, Applicant has cancelled claims 1-17 thereby obviating the rejection.

Further, new claims 18-28 have been submitted to more clearly recite the invention. Support for the new claims can be found throughout the specification and figures as filed, including in the first and second full paragraphs of page 8 and Figures 5 and 6.

Wagner discloses a suction injection unit with a suction cup at one end and a piston combined with a dosing mechanism at the other end. A suction apparatus controlled by pressurized gas is attached to the unit and is provided with valves to establish an underpressure in the cup. The purpose is to suck skin into the cup so it is penetrated by a needle associated with the unit.

Applicant respectfully submits that Wagner does not anticipate new independent claims 18 and 24 because Wagner does not disclose or suggest a device for administering an injectable product comprising a casing, a suction chamber connected to the casing, a piston pump comprising a cylinder, a piston, and a lock, wherein the rod displaces the piston within the cylinder to create a volume within the cylinder having a state of reduced pressure and the lock is adapted to lock the piston in place to maintain the state of reduced pressure, a passage interconnecting the suction chamber to the volume, and a cut-off valve located along the passage and adapted to isolate the suction chamber from the volume, wherein when the suction chamber abuts against the tissue of a patient, the cut-off valve opens to place the suction chamber and volume in fluid communication, thereby causing a state of reduced pressure within the suction chamber and bringing the tissue in contact with the dispensing means. Similarly, Wagner does not disclose a method for administering an injectable product involving an injection device wherein a piston is displaced within a cylinder to create a reduced pressure and is locked in place to maintain the state of reduced pressure.

Thus, because it does not disclose or teach each element of new independent claims 18 and 24, or the claims that depend from claim 18 and 24, Wagner cannot be the basis for rejecting the claims.

CONCLUSION

In view of the above amendments and preceding remarks, it is urged that the application now stands in allowable form. Reconsideration and allowance is respectfully requested.

A petition to extend the time to respond by two months (from June 13, 2003 until August 13, 2003) is enclosed herewith. A check in the amount of \$410.00 is enclosed to cover the fee associated with the petition.

The Office is also hereby authorized to charge any deficiency or credit any overpayment to Deposit Acct. 04-1420.

Respectfully submitted,

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Customer Number 25763

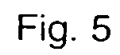
Date:

July 23, 2003

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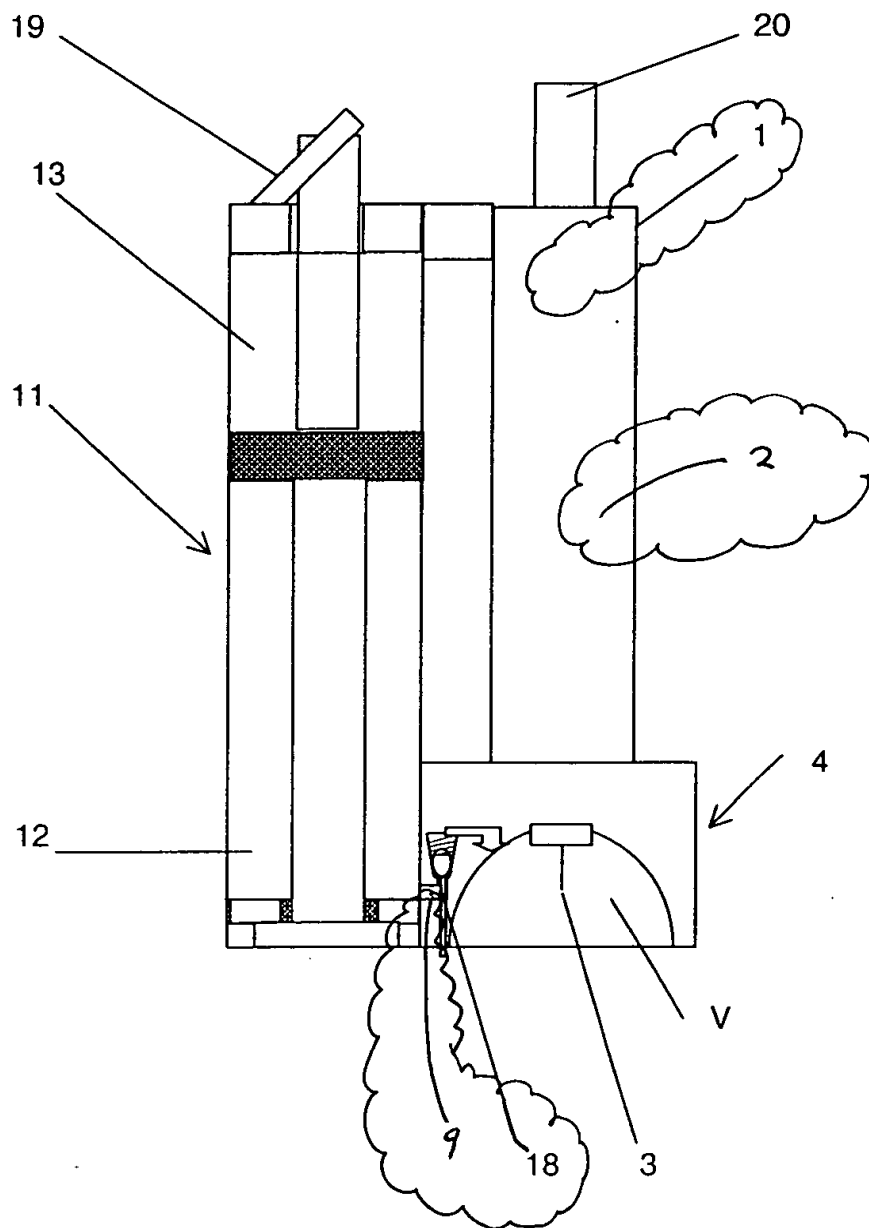


Fig. 6

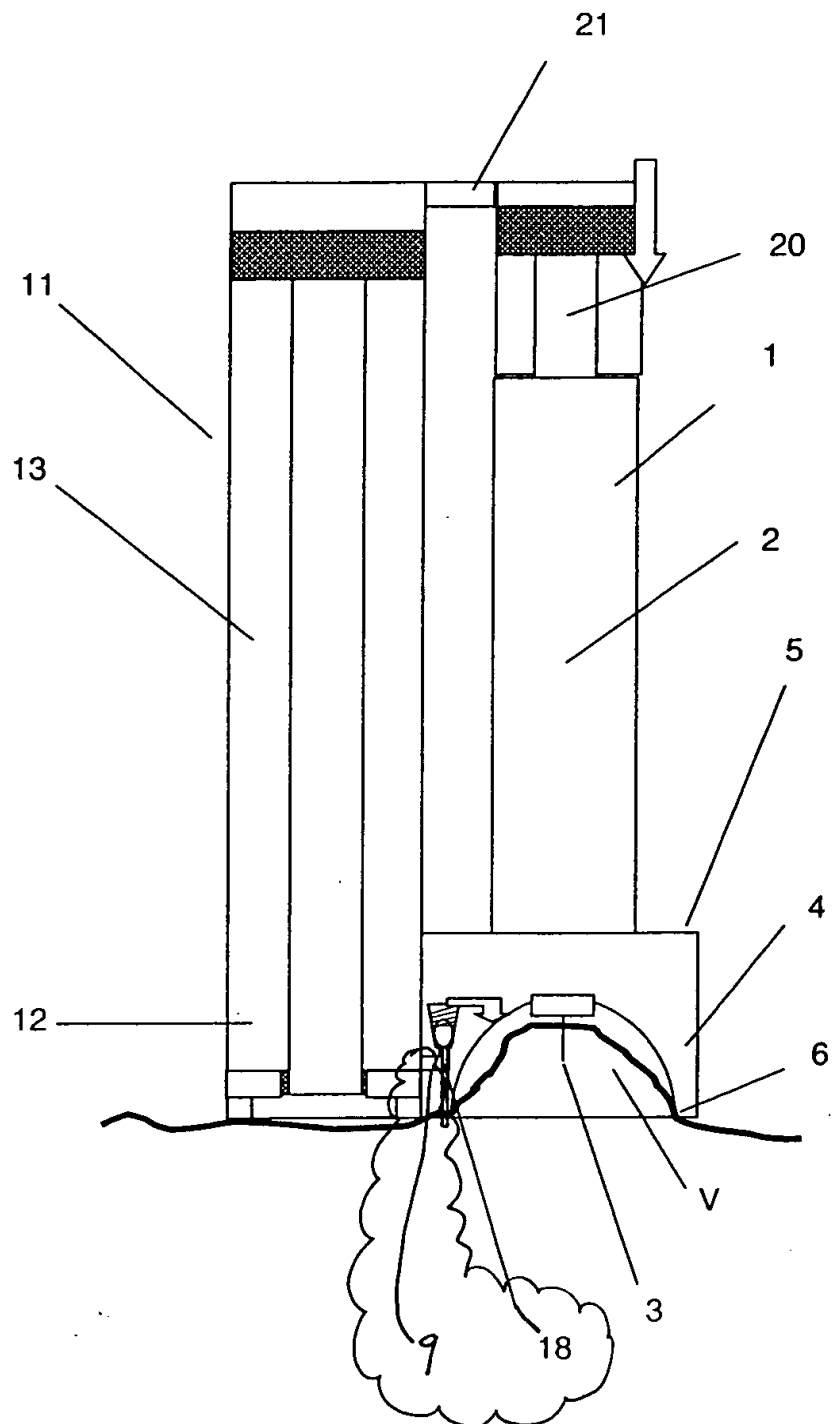


Fig. 7